

## **Remarks/Arguments**

Claims 36-53, 55-56 and 61-68 remain in this application. Claims 54, 58-60 have been cancelled.

Claims 36-68 have been deemed to be in conflict with the claims of 10/088,325. The conflicting claims (58-60) have been cancelled from this application. A corresponding amendment has been made to the claims of 10/088,325 to overcome this rejection.

The Abstract has been objected to as it is in two paragraphs. An amendment to correct this error has been made.

Claims 36,37,47-51, 53, 55, 56 and 59-67 have been rejected under 35 USC 102(b) over Sklar et.al. Applicant disagrees.

In order to be anticipatory reference, it must contain each and every element element of the claimed invention. Sklar et al does not.

In particular, Sklar et al relates to a vacuum cup type of device. This takes a static amount of fluid that has been poured into its wide open top and then uses a vacuum below the filter to filter the fluid through the membrane. It is an open top type of system.

The present invention is designed to take samples from a pressurized feed source such as a pressurized feed pipe in a production facility. The claims require an inlet in its lateral wall, something the reference does not. It instead has no endwall, just an opening that may be selectively covered by a cover. Fluid is simply poured through that opening (column 3, line 60) Additionally, the present claims have a chamber formed by the top or endwall, the lateral wall and the membrane, again

something the reference fails to teach. Likewise, it has a gasket formed on either the member of either intake part or the drainage part, something the reference fails to do. It uses a gasket on a separate third piece (filter pad) that is positioned between the top and bottom pieces. Moreover, the Office action states that the filter in the reference is held between the two housing pieces. It is not. As shown in the reference it is held between the filter pad/gasket (35/36 below and the top part 10 above.

As the reference fails to teach the elements of claim 36, it also fails to teach the inventions of the other claims which depend from that claim.

Claims 52, 54 and 68 have been rejected under 35 USC 103(a) over Sklar et al. Applicant disagrees.

Claim 52 as amended has the means for receiving the latches being an opening that is located on a horizontal wall (42) that is connected at each end to a vertical wall (41 and 43). This is neither taught nor suggested by Sklar et al and it would not have been obvious to have done so from its teachings. Sklar et al teaches using a vertical or telescoping latching arrangement (Column 1, lines 35-40 and Column 3, lines 4-7) for easy attachment or disengagement. However in pressure application such as the present invention is utilized, the use of the latch extending through an opening on a horizontal wall provides a secure attachment between the two bodies even when the pressure has been applied.

Claim 68 requires the use of a vacuum flask below the device. While Sklar et. al. teaches the use of vacuum to filter, it is completely silent on how this is accomplished. Moreover, it is completely silent on whether it could be used with a container of any type, let alone a vacuum flask as claimed in the present invention. The Office action states that the structure of the reference is "suited specifically

to attach to such a vacuum flask....". Applicant does not see where and how that reference device is "suited specifically to attach to such a flask and asks that the Examiner provide the Applicant with specific citations from the reference to support this position or withdraw the rejection.

Claims 38-46, 57 and 58 are rejected under 35 USC 103(a) over Sklar et.al. in view of Mehra et al. Applicant disagrees.

Claims 38-43 require the seal be molded to the part of the body on which it resides. By molding the seal to the body, one eliminates the potential for losing the gasket or causing it to move and create less than a perfect seal. Mehra uses a separately molded gasket that is then held by a friction fit to the device. It does not teach or suggest molding the gasket onto the body part as is claimed.

The combination of Sklar and Mehra has been made in relation to the claims of the present invention relating to the breakable latches. For there to be a proper combination, there must be some motivation for the combination, none is found here, Sklar uses a latch mechanism that does not need to be broken so that if desired it can be reused. Mehra uses welding or cement to fix the components together and then creates areas of weakness so they can be broken apart. There is no motivation to consider adding that feature of Mehra to the embodiment of Sklar as it would not let one have the ability to reuse the device. As such the proposed combination is believed to be improper.

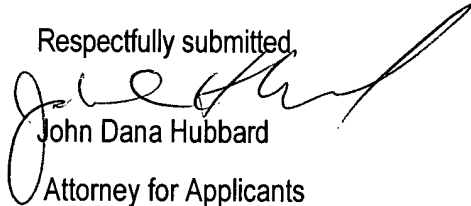
Even if the combination is deemed proper, the combination does not teach or suggest the latches of the present invention. Rather Mehra teaches using ribs which bond (by cement or welds) the body parts to each other and which because they are spaced apart allow the bonded components

to be broken apart with less force. This is quite unlike the latches of the present invention and do not teach or suggest the latches of the present invention.

Lastly, the Examiner has noted that Claim 36's language "one out of the latter" is somewhat confusing. The Examiner has correctly understood the language. If one part (intake body or drainage body) contains the latching tab, the other contains the means for receiving the latching tab.

Reconsideration and allowance are respectfully requested in view of the foregoing amendment and remarks.

Respectfully submitted,



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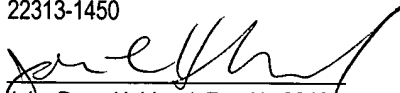
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